UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,646	07/12/2001	Paul D. Crutcher	42390P10469	3379

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EXAMINER
STRANGE, AARON N

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/904,646	CRUTCHER ET AL.
		Examiner	Art Unit	
		Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 July 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's amendments to claims 6 and 31 are sufficient to overcome the
rejections of those claims under 35 USC 112, 1st Paragraph, presented in the first Office
action. Those rejections are hereby withdrawn.

2.   Applicant's arguments with respect to claims 11, 12, 36, and 37 have been fully
considered and are persuasive. The Examiner agrees that load-balancing techniques
are well known in the art. The rejection of claims 11, 12, 36, and 37 under 35 USC 112,
1st paragraph has been withdrawn.

3.   Applicant's arguments with respect to claims 1-40 have been considered but are
moot in view of the new ground(s) of rejection.

4.   With regard to Applicant's assertion that there is no showing that the cited
Netscape documents existed as of the 1998 "updated" date referenced in the footer of
the provided documents, the Examiner respectfully disagrees. The footer of each
document contains a statement reading "Last Updated: 02/25/98" accompanied by a
time of day at which the documents were updated. Electronic documents are
considered to be publicly available as of the date the item was publicly posted. The
"Last Updated" footer is included as part of the document and is considered to be a

publication date. See MPEP § 2128. Therefore, the validity of this document as prior art

as of 2/25/98 is maintained.

Additionally, the Examiner also checked the web.archive.org service as

suggested by Applicant. The oldest complete set of the Netscape documents located

was found with an archival date of 10/2/1999, which is still more than 1 year prior to the

filing date of the present application. That set of documents has been cited as well.

5.   In response to Applicant's arguments regarding claims 14 and 15 that the

Goldberg reference fails to show certain features of applicant's invention, it is noted that

the features upon which Applicant relies (i.e., providing an obscured portion to a

separate location manager which is a separate entity) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). The claim does not require that the location manager

be a separate entity.

Furthermore, a software module located within the resource manager which

performs the de-obscuring would meet the limitation of a separate entity. Such a module

is inherent in the system disclosed by Goldberg since it de-obscures the resource

locator.

6.   With regard to claim 15, Applicant's assertion that Goldberg fails to teach the

subject matter of claim 15 (Remarks, Page 19, Lines 14-18) is unclear. The Netscape

documents were cited as teaching this limitation, so it is unclear how the Goldberg

reference relates to the subject matter of claim 15. Furthermore, the recited subject

matter, "providing an obscured portion to a separate location manager from which is

received a de-obscured identifier from the separate entity", does not appear in claim 15.

Applicant is reminded that one cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of references.

See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800

F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-6,9,10,12-31, 34, 35, and 37-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Netscape in view of Goldberg et al. in further view of Rodriguez

et al.

9.   The Office would like to note that the Netscape reference, while contained in a

plurality of different files, has been treated as a single reference in this Office action.

The files were all retrieved from Netscape's website, and were all last updated on the

same date. They are chapters from the Netscape Proxy Server Administrator's Guide,

and the entire guide is available online at the following address:

http://developer.netscape.com/docs/manuals/proxy/adminux/

Only the relevant chapters have been included with this Office action.

10.   With regard to claims 1,20, and 26, Netscape discloses a method for a proxy to

transparently provide access to resources of a resource manager, comprising: receiving

from the client a resource locator (URL) for retrieving a resource of the resource

manager, wherein the resource locator comprises a network address of the resource

manager (Chapter 7, Page 1, Lines 12-13); validating client authorization to access the

resource (Chapter 7, Page 3, Lines 9-11); retrieving the resource from the resource

manager according to the resource locator (Chapter 7, Page 1, Lines 16-19); and

providing the resource to the client such that it appears to have originated from the

proxy (Chapter 7, Page 1, Lines 14-15). Netscape fails to disclose that the resource

locator is at least partially obscured to hide the network address, de-obscuring the

resource locator, or retrieving a first and second portion of the resource from a first and

second resource manager.

Goldberg et at. (Goldberg, hereafter) teaches a method of obscuring and de-

obscuring a resource locator to disguise the actual location of the resource manager

from the client. The obscured URL directs the client to the proxy, which de-obscures it

and retrieves the resource on behalf of the client (Page 6, Col 2, Line 24 to Page 7, Col

1, Line 5). This would have been an advantageous addition to the system disclosed by

Netscape since it allows increased security by hiding the actual location of the resource

manager from the client. A further advantage is the ability for documents to be

published anonymously through the proxy, since the actual location of the document is

obscured from the client.

Rodriguez teaches the use of multiple resource managers mirroring the same

resources and retrieving portions of a requested resource from a plurality of the

resource managers simultaneously. The file is partitioned into blocks, and each block is

requested from a different resource manager (Page 1, Col 2, Line 34 to Page 1, Col 1,

Line 3). This would have been an advantageous addition to the system disclosed by

Netscape and Goldberg since it can dramatically decrease the time it takes for the client

to receive a file.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to partially obscure the resource locator to hide the actual

location of the resource manager, and de-obscure the resource locator at the proxy to

enable retrieval of the resource for the client. This provides increased network security

since the resource locator available to the public is very difficult to associate with an

actual server, making it difficult to attack the server or determine the origin of

anonymously published documents. It would have also been obvious to use multiple

resource managers to host the resources and retrieve a portion of the resource from

each resource manager. This would have dramatically decreased the time it took for the

client to receive a requested resource.

11.   With regard to claims 3,21, and 28, Netscape further discloses receiving a first

proxy header corresponding to the request, the first proxy header identifying the client

as the source of the request and the proxy as the source of the resource; and preparing

a second proxy header by rewriting the first proxy header so as to substitute the proxy

for the client, and the resource manager for the proxy; wherein retrieving the resource

from the resource manager comprises providing the second proxy header to the

resource manager (Chapter 7, Page 1, Line 11 to Page 2, Line 2). Since the firewall

only allows access to the content server by the proxy on a specific port, the header

must be rewritten so the firewall thinks the request originates from the proxy.

12.   With regard to claims 4,22, and 29, Netscape further discloses receiving a third

proxy header from the resource manager, the third proxy header identifying the

resource manager as the source of the resource, and the proxy as the recipient of the

resource; and preparing a fourth proxy header by rewriting the third proxy header so as

to substitute the proxy as the source of the resource, and the client as the recipient of

the resource; wherein providing the resource to the client comprises providing the fourth

proxy header to the client (The proxy sends the response to the client, as if it were the

actual content sever) (Chapter 7, Page 1, Lines 18-22).

13.   With regard to claims 5 and 30, Netscape further discloses that the proxy

headers are written according to a tag based protocol (Requests for URLs are HTTP)

(Chapter 7, Page 5, Lines 1-8).

14.   With regard to claims 6 and 31, Netscape further discloses that the tag based

protocol is a selected one of: the HyperText Transport Protocol (HTTP), the HyperText

Markup Language (HTML), and the extensible Markup Language (XML) (Requests for

URLs are HTTP) (Chapter 7, Page 5, Lines 1-8).

15.   Claims 9 and 34 are rejected for the reasons cited above regarding claim 1, since

the first and second resource managers may be from a group consisting of any number

of resource managers.

16.   With regard to claims 10 and 35, Rodriguez further discloses that the portions are

retrieved in parallel from the selected ones of the multiple resource managers (Page 1,

Col 2, Line 34).

17.   With regard to claims 12 and 37, Rodriguez further discloses that the portions are

non-overlapping portions of the resource (Each block is a different part of the file) (Page

1, Col 2, Line 34).

18.   With regard to claims 13,23, and 38 Goldberg further discloses that the resource

locator comprises a Uniform Resource Locator (URL); and inspecting the URL for a

path component (the ! character) indicating the URL comprises the at least partially

obscured portion (Page 6, Col 2, Line 37 to Page 7, Col 1, Line 3).

19.   With regard to claim 14, Goldberg further discloses that de-obscuring the

resource locator comprises providing at least the obscured portion of the resource

locator to a location manager and receiving a de-obscured identifier responsive thereto

(Obscured portion is decrypted) (Page 6, Col 2, Line 37 to Page 7, Col 1, Line 3).

20.   With regard to claim 15, Netscape further discloses that the location manager

performs the validating client authorization to access the resource (Chap 14, Page 3,

Lines 9-11).

21.   With regard to claim 16, Netscape further discloses that validating client

authorization to access the resource comprises providing at least the partially obscured

portion of the resource locator (URL), and an identity identifier for the client to an

authorization manager (Resources are restricted or allowed based on user

identification) (Chap 5, Page 4, Lines 40-47).

22.   With regard to claims 17,24, and 39, Netscape further discloses hash-encoding

an identity value associated with the client (creation of SSL certificate); and providing

the hash-encoded identity value (SSL certificate) and at least a portion of the resource

locator (URL) to an authorization manager configured to look up the hash-encoded

identity value and the at least a portion of the resource locator in an access control

table. (Resources are restricted or allowed based on user identification) (Chap 5, Page

4, Lines 40-47).

23.   With regard to claims 18,25, and 40, Netscape further discloses that the client

communicates with the proxy by way of an Internet browser (Netscape Navigator)

(Chap 14, Page 2, Lines 22-24).

24.   With regard to claims 2,19, and 27 while the system disclosed by Netscape,

Goldberg, and Rodriguez shows substantial features of the claimed invention

(discussed with regard to claim 3), it fails to specifically recite that the proxy comprises a

front end manager and a back end manager, wherein the client only communicates with

the front end manager for obtaining the resource, and wherein the back end manager

obtains the resource from the resource manager.

         However, since the proxy server acts as a front-end to the content server and all

communications between the client and the content server go through the proxy without

knowledge of each other's existence; a front-end manager and a back-end manager

must be present. The proxy has two separate interfaces, each of which requires a

separate IP address. A front-end manager must be present to handle communications

with the client through the front-end interface and a back-end manager must be present

to handle communications with the back-end server through the back-end interface.

25.   Claims 7,8,32, and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Netscape in view of Goldberg et al. in further view of Rodriguez et al.

in further view of Sasaki (US 2001/0013070).

26.   With regard to claims 7,8,32, and 33, while the system disclosed by Netscape,

Goldberg, and Rodriguez shows substantial features of the claimed invention

(discussed above), it fails to disclose that the first proxy header comprises a content

type identifier identifying a desired format for the resource, and wherein the resource

manager stores the resource in a second format different from the desired format, the

method further comprising: converting the resource from the second format to the first

format.

Sasaki teaches the use of content identifiers in a proxy header (Page 3, Par 53)

as a means to inform the proxy of the desired format for the resource. If the resource

retrieved by the proxy from the content server is in a different format, it is converted

prior to being sent to the client (Pages 3-4, Par 53-57). This is an advantageous feature

because it allows clients to specify content restrictions and preferences and the proxy

server will convert the retrieved content appropriately.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made for the client to specify formatting information for

requested content and have the proxy server convert the retrieved content so that it is in

an acceptable format for the client. This allows clients with limited display capabilities,

such as PDA, to access a traditional web site by having the proxy server convert the

site into an acceptable format for display on the PDA.

27.   Claims 11 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Netscape in view of Goldberg et al. in further view of Rodriguez et al. in further

view of Applicant's admitted prior art.

28.   With regard to claims 11 and 36, while the system disclosed by Netscape,

Goldberg, and Rodriguez shows substantial features of the claimed invention

(discussed above), it fails to disclose determining loads for the multiple resource

managers and selecting among the multiple resource managers according to the loads.

Applicant admits that load balancing techniques are old and well-known in the

art. (Specification, Page 3, Lines 19-22 and Page 5, Lines 21-23) (Remarks, Page 16,

Lines 1-9). Such techniques are useful for selecting servers with reduced load since

they will be able to respond more quickly.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to determining loads for the multiple resource managers

and selecting among the multiple resource managers according to the loads since the

resource managers with the smallest loads will be able to respond the quickest.

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

30.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

31.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aaron Strange whose telephone number is 571-272-

3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

AS 3/1/2005

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